

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, AUGUST 8, 2013

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, July 25, 2013, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Russell
Councilpersons:	Culver, Olshefski
Absent:	Kling, Showers
Mayor:	Battle
City Administrator:	Reynolds
City Attorney:	Joffrion
City Clerk-Treasurer:	Hagood

President Russell called the meeting to order.

Elder Toussaint Williams, Associate Pastor, Oakwood University Church, led the invocation; Councilman Olshefski led the pledge of allegiance.

The minutes of the Regular Meeting of the Council on July 25, 2013, were approved as submitted.

President Russell stated that the next item on the agenda was Resolutions and Special Recognitions.

President Russell stated that Councilman Showers was not present at the meeting because he was recovering from health issues at this time.

President Russell stated that Councilman Kling was also not in attendance at the meeting, noting that he was attending

a public meeting in his district concerning the Huntsville Housing Authority. He stated that he would have liked to be in attendance at this meeting but he needed to be at the Housing Authority meeting in order to serve his constituents.

President Russell stated, concerning the agenda, that the Council would be asked to vote on item 14.b by unanimous consent, so that it could be voted on at this meeting.

President Russell stated that Mayor Battle would be asking the Council to consider a resolution on ALDOT priorities.

President Russell stated that the next item on the agenda was Public Hearings to be Held.

President Russell stated that it was the time and place in the meeting for a public hearing for suspension of licensure for Travis Hawk, which hearing was set at the July 25, 2013, Regular Council Meeting.

President Russell recognized Mr. Randy Taylor, Director of Finance.

Mr. Taylor stated that on this matter, there was no reason for him to go through the detailed process as he typically did because this was simply renewing a suspension that had been in place for the prior year. He stated that the Council would recall, and that he would explain to the public, that they used the suspensions as a means to help enforce the collection of tax amounts owed to the City. He stated that there had been an agreement in place with this particular taxpayer and the agreement was having its one-year anniversary, along with the

previous suspension.

Mr. Taylor stated that they were also asking that the agreement be renewed, noting that this required Council approval, and that it was item 15.f, Resolution No. 13-581, on the agenda.

Mr. Taylor stated that the suspension of licensure related to the agreement, noting that the City would not act on any suspension as long as the terms of the agreement were honored by the taxpayer.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular matter.

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution suspending licensure for Hawk, Travis, as follows:

(RESOLUTION NO. 13-580)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell stated that if there were no objection, the Council would consider item 15.f on the agenda at this time, noting that it dealt with the resolution that had just been passed by the Council.

President Russell read and introduced a resolution

authorizing the Mayor to execute an Installment Agreement with Hawk, Travis, for unpaid taxes, as follows:

(RESOLUTION NO. 13-581)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Public Hearings to be Set.

President Russell read and introduced a resolution to set a public hearing on an ordinance zoning newly annexed property lying east of U.S. Highway 431 South and on the south side of Old Highway 431 as Residence 1-A District, at the September 26, 2013, Regular Council Meeting, as follows:

(RESOLUTION NO. 13-582)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced Ordinance No. 13-583, zoning newly annexed property lying east of U.S. Highway 431 South and on the south side of Old Highway 431 as Residence 1-A District.

President Russell stated that the next item on the agenda was Communications from the Public.

President Russell stated that when persons' names were called, they would have three minutes to address the Council concerning any issue they might wish to address.

Mr. Walter Peavy, 2907 Winchester Road, appeared before the Council, stating that he had a request to make of the Council at this time. He stated that approximately a week prior he had gone on top of a building to assist in raising money for senior citizens so they would be able to have their utilities. He stated that while on top of the building, he had lost five pounds, but that in losing this, he had also won something, and that No. 1 was that he had won the support of persons who agreed it was time something was done about this matter.

Mr. Peavy stated that he had a request at this time. He asked that the reconnection fee that was to be paid by an individual whose power had been cut off be waived for senior citizens, 62 years and over, so that the senior citizens would be able to get back on their feet and maintain their power base.

Mr. Peavy stated that he would also ask that a little more time be given to senior citizens so that the matter could be addressed and they could reach out in every aspect and manner to attempt to obtain the funds in order to get their power back on. He stated that as the matter stood at this time, if they did not get their power back on within four days, or somewhat longer, their deposits would be taken away, and then in order for them to get their power reinstated, they had to pay a new deposit, along with the old bill.

Mr. Peavy also requested that the persons who came to cut

off the power speak to these individuals like they would like to be spoken to, to see that these persons were respected. He stated that it was devastating for an individual to have their power turned off, but that it was certainly more hurtful when it was rubbed in.

Mr. Peavy stated that they had found that there was another problem with the senior citizens when their power was being threatened or being cut off. He stated that more than 30 percent of the senior citizens that his group had seen had gone to a title pawn and loan in an act of desperation in order to keep their utilities on. He stated that this was not right, noting that these persons wound up losing not only their vehicle but still a loss of power.

Mr. Peavy stated that there had been a situation where Huntsville Utilities had gone to cut off a cancer victim's power, and that they had told the individuals in the house they were there to cut off the power, and that these individuals, senior citizens, had begged them not to cut off the power, informing them that there was a cancer victim in the house and she needed to be kept cool. He stated that the power had been cut off, nevertheless, and that this person had wound up in the hospital.

Mr. Peavy stated that he was not present to badger Huntsville Utilities, noting that he commended Huntsville Utilities for the job they did. He continued that he was just asking for relief for senior citizens in the city.

President Russell recognized Councilman Culver.

Councilman Culver stated to Mr. Peavy that he certainly appreciated his efforts and applauded him for staying on top of the roof, as hot as it had been, in order to raise money to help the senior citizens with their utility bills.

Councilman Culver stated that this matter was very important to him. He stated that he served on the board of Community Action Partnership and stated that in 2012, this organization had pledged \$1,970,090.32 to help families. He stated that in doing this, they started with the senior citizens, disabled individuals, and then families with young children.

Councilman Culver stated that Project Share, a Huntsville Utilities project, had assisted 839 families with \$156,389.45 in utility bills in 2012.

Councilman Culver stated that in the current year, Community Action Partnership had assisted 2,683 families to date, in the amount of \$561,025.52. He stated that Project Share, the Huntsville Utilities project, to date this year had assisted 977 families, in the amount of \$191,475.66.

Councilman Culver stated that there were also other assistance programs, such as Whitesburg Baptist Church, St. Vincent De Paul, Huntsville Assistance Program, and various churches and agencies.

Councilman Culver stated that what he would like to do would be to perhaps partner with Mr. Peavy in some way so that

when there were elderly persons who needed help with their utilities, they would be able to contact Community Action Partnership, Project Share at Huntsville Utilities, and the other individual organizations that provided such assistance.

Councilman Culver stated that what they wanted to do was to avoid these services being interrupted, noting that if they could just pay the bill and not let the services be interrupted, they would not have to worry about Huntsville Utilities trying to do something special for the elderly, as related to not charging them for reconnection charges, noting that there was some cost associated with this. He stated that he believed prevention was the better course, if they could just prevent the utilities being cut off for the elderly who needed such assistance. He stated that he was certainly willing to work with Mr. Peavy on this matter. He continued that he had spoken about this matter to representatives of Huntsville Utilities and that they were also willing to work with them on this matter. He stated they had suggested that if Mr. Peavy would like to meet with them and with Councilman Culver concerning this matter, they could certainly do this.

Councilman Culver stated that he would work with Mr. Peavy on this at his convenience, in order to foster some kind of solution to this concern.

President Russell stated that Councilman Culver had provided very valuable information on this matter. He stated

that it had been his experience that when constituents had contacted him about such matters, churches had always picked up the tab for them. He stated that he believed there were certainly good things going on in the community and that he appreciated Councilman Culver offering to work with Mr. Peavy on this matter.

Mr. Reginald Hill, 4205 Patton Road, appeared before the Council, stating that, unfortunately, persons were living in a time when black people were still feared and targeted as threats to society; that it was also a time when whites were viewed as selfish, power and money driven supremacists; while his Hispanic, Oriental, Pakistanian, and Russians friends were marked as terrorists on all levels. He continued that this was also a time when the number of college degrees being awarded was decreasing, as the extent of crime and violence was easily surpassing every humanly possible expectation.

Mr. Hill stated that as a people, the human race had become so unreceptive that they had created an atmosphere of tragedy, treachery, and ignorance. He stated that because this method of living had become so common, the mindsets of people had adapted to live a life of injustice, inequality, sorrow, depression, poverty, stupidity, starvation, mental and physical illness, chaos, wars, and political scrutiny, simply because this was accepted as normal. He stated that so often persons found themselves making a big fuss concerning diminutive issues while deviating from the concerns of the world that truly

impinged on each of them as citizens.

Mr. Hill stated that "From a Nation of the World's Most Innovative, Intelligent, and Influential People to the Talking Stock of International Society" would make a good book title to describe the evolution of the United States.

Mr. Hill stated that it was his wish that one day civic leaders, educators, ministers, and politicians alike would embrace the responsibility of correcting the errors of the past, mending the wounds of today, and solidifying the prosperous expectations of tomorrow.

Mr. Hill stated that over time, the process of life had not changed but that persons' preparation and readiness appeared to have diminished as time went by. He stated that the issues and concerns of Americans had not wavered but they were failing at creating solutions. He noted that this was not a curse or a hoax but was simply a continuation of ideological infrastructures or communications that had been rooted for generations.

Mr. Hill stated that the branches of this negatively fruitful tree had moved to work as shade against the lights of harmony, production, security, quality of existence, abundance, independence, justice, physical stability, accountability, education, world peace, ordained marriage, family collaboration, value, and most important, the purpose of life.

Mr. Hill stated that the mishaps and troubles of the world could not be changed quickly but that every step that would be

made toward progress would bring persons that much closer to improving the scope of how they lived.

Mr. Hill stated that unlike many persons that made presentations and solicited the Council, he would not stand and only complain but would bring forth initial steps toward action and improvement.

Mr. Hill stated that many persons were aware that Huntsville was the first city in the state to integrate schools, well before President Johnson had passed any law. He stated that Huntsville had been the first to implement a Digital 1:1 Initiative, well before any of the nation's most industrial landmarks could propose the idea for their school systems. He continued that, yet, still to this day, they were battling for equality across the board, noting that the City was divided and stereotyped by a north and south side jurisdiction, as they witnessed the reading, writing, and cognitive proficiency levels plummet to all-time lows for the children.

Mr. Hill asked what could be done about this situation. He stated that since the assassinations of President John F. Kennedy and Civil Rights Leader Dr. Martin Luther King, Jr., citizens all across the nation had attempted to figure this out. He stated that what he was proposing at this time was a start in this matter.

Mr. Hill stated that on August 28, 2013, thousands of people would go to the Nation's capital to reenact the

"March on Washington," which had taken place exactly 50 years previous. He stated that this had been a movement for justice in jobs, the same struggle that was being encountered at this time.

Mr. Hill stated that through the completion of an essay contest, "Success 4 the Future," Charity Foundation 4 Kids would sponsor four students and three adults to attend the week's activities, organized with multiple forums and educational workshops. He stated that the participants would also visit various monuments and historical institutions.

President Russell advised Mr. Hill that his time was up.

Mr. Lyle Voyles, 7704 Teal Drive, appeared before the Council, inquiring as to which department in the City would be responsible for the ordinance that placed the responsibility on the property owner to keep the curb in front of his property free of weeds, grass, and debris. He inquired further if this ordinance was enforceable.

President Russell asked Mr. Peter Joffrion, City Attorney, to answer Mr. Voyles' question.

Mr. Joffrion stated that the ordinance was certainly enforceable and that the Department would be Public Works Services, Mr. Terry Hatfield's department.

President Russell asked Mr. Hatfield if he would meet with Mr. Voyles and answer his questions concerning this matter.

Mr. Hatfield replied in the affirmative.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the

Council, stating that she loved the picture that had been in "The Huntsville Times" pertaining to Mayor Battle running for governor.

Ms. Reed stated that she would like to see Channel 42 have more information concerning government meetings than entertainment. She stated that she was always looking for information about meetings but that she never saw anything concerning this on this channel.

Ms. Reed stated that she would also like for the budget hearings to be held before the public so that citizens could see what they were going to do with their money, if they had any. She stated that she certainly felt they should look into giving the employees a good raise.

Ms. Reed stated that she understood they were expanding the Entertainment District, during the day and at night. She stated that the Council members must believe in this, but that she was just not certain about it.

Ms. Reed stated that the County would be holding an election on September 10 concerning combining the County Tax Assessor and the County Tax Collector offices into one office, noting that she was opposed to this. She stated that they wanted to elect a Commissioner to make the decision on all this when they combined these offices. She stated that she did not believe they needed any Commissioner making such decisions, that there should be a concern over property taxes with this. She stated that persons should look into this election on

September 10th.

Ms. Reed stated that she was concerned that Councilman Kling had held a town meeting at the same time as the Council meeting, noting that she felt the Council meeting was very, very important. She stated that she would like to attend the meetings concerning Searcy Homes and all the Housing Authority meetings but that these meetings were not held at a time when she could attend.

Ms. Reed stated that she did not believe Searcy Homes needed to be moved.

Ms. Reed stated, concerning the proposed new Walmart store, that she had talked to many persons concerning this. She continued that she had talked to the State Director about the traffic and had found that they had not done a traffic study at this location, noting that it appeared they were just going to take the City's word for this. She stated that she understood that a lot of people in the City had to sign off on this and inquired as to whether this was true, if a lot of persons in the City had to okay this and that no one had to do a traffic study where the new Walmart was proposed to be located. She stated that she would like to know why they were not doing a traffic study on this. She stated that persons should go down in the area about 4 o'clock in the afternoon and see how far the traffic would be backed up.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, stating that he was aggrieved that he had to keep

coming before the Council to ask for the same thing, noting that he felt as if he were not being heard.

Mr. Timberlake stated that on the Council's agenda for this meeting, there was consideration of the reappointment of an incumbent to the Huntsville Hospital Board. He stated that he had stood before the Council for quite some time and attempted to explain to them that, as far as he could read, the Huntsville Hospital was in violation of the law concerning their committee meetings.

Mr. Timberlake stated that if by some chance he was in error on this, he would beseech the Council to ask the persons that they placed on this board to exercise their judgment in making these meetings open. He stated that there was nothing in the law that said they could not have them open and, therefore, it must be the mindset of the persons who had been appointed to these boards that they wanted to hide things from the public.

Mr. Timberlake stated that they were supposed to be in this thing together but, yet, they had a unilateral way of looking at things, that Huntsville Hospital had all the information and the citizens had all the benefits of giving them their illustrious authority, as citizens of the city, the nation, and the state.

Mr. Timberlake stated that he would again beseech the Council that, if nothing else, that when the announcement was made concerning the appointment to the Huntsville Hospital

Board, that all three of the nominees for the position would become a part of the information on the record. He stated that in that way, they would be making all information available to the public. He stated that it was known that the Huntsville Hospital Board sent three names to the Board for selection to be made by the Council, and that he felt the citizens had the right to know who the persons were from which the selection was made.

Mr. Timberlake stated that the persons that were appointed emulated the Council, that when they were appointed, they were the architect, the exact facsimile of the Council. He stated that the Council held open meetings but, yet, they appointed a board that held closed meetings.

Mr. Timberlake stated he had spoken concerning Huntsville Utilities previously and noted that the Council could see that the matters he had been speaking concerning, other citizens were now speaking concerning, as well. He stated that they did have a military person at Huntsville Utilities who he felt was doing what he could to do what was right on this matter.

President Russell stated that the next item on the agenda was Board Appointments to be Voted On.

President Russell read and introduced a resolution to appoint Barbara Fleming to the Community Development Citizens Advisory Council, for a term to expire April 14, 2015, as follows:

(RESOLUTION NO. 13-584)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution to reappoint Dr. R. Macon Phillips to the Health Care Authority of the City of Huntsville, for a term to expire August 3, 2019, as follows:

(RESOLUTION NO. 13-585)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Olshefski and was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Board Appointment Nominations.

President Russell stated that Councilman Kling wished to nominate Bryan Pogue for reappointment to the Housing Board of Adjustments and Appeals, for a term to expire August 22, 2018.

President Russell asked if there were any further board appointment nominations.

There was no response.

President Russell stated that the next item on the agenda was Approval of Expenditures.

Councilman Culver read and introduced a resolution authorizing expenditures for payment, as follows:

(RESOLUTION NO. 13-586)

Councilman Culver moved for approval of the foregoing

resolution, which motion was duly seconded by President Russell and was unanimously adopted by the Council members present.

Councilman Culver recognized Mr. Randy Taylor, Director of Finance, for the Finance Committee report.

Mr. Taylor stated that at this time they had the preliminary sales tax figures for the month of July and stated that they believed they were approximately equal to the prior year's figures, which he noted kept them at 2 percent. He stated that the State had switched to a new electronic filing system in July, so that they had gotten somewhat behind in processing the new information.

Mr. Taylor stated that another item he wanted to bring to the Council's attention concerned the AAA rating the City had with Moody's, one of the rating agencies. He stated that the City had been rated AAA for several years with Moody's, but that the Council might recall that in 2011, Moody's had put the City on "Negative Outlook." He continued that there were different tiers associated with each fundamental rating and stated that "Stable" was the outlook they would have liked to have had.

Mr. Taylor stated that Moody's had put the City on "Negative Outlook" along with 37 other local governments and states around the country, which he noted was directly associated with the "Negative Outlook" they had assigned to the Federal government, which was related to Federal budget issues. He continued that the City's rating was tied to what Moody's

had said was the City's direct linkage to the Federal government, as well as other things.

Mr. Taylor stated that the Federal government rating had now been raised from "Negative Outlook" to "Stable," in July, so that Moody's had raised Huntsville and all but three of the cities and states that had been affected by this back to "Stable," as well. He stated that this was a positive thing for the City and put them in the position they wanted to be in.

President Russell stated that the next item on the agenda was Communications from the Mayor.

President Russell stated that at this time the Council would consider the resolution the Mayor had requested that they consider. He stated that this was a resolution concerning priorities for ALDOT.

President Russell moved to add the requested resolution to the agenda, which motion was seconded by Councilman Culver.

President Russell called for the vote on the above motion, and it was unanimously approved by the Council Members present.

President Russell read and introduced a resolution requesting the Governor and ALDOT to give top priority to fully funding the projects listed, in order to maintain the economic vitality of the Huntsville area and the State of Alabama as a whole, as follows:

(RESOLUTION NO. 13-587)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by

Councilman Culver.

President Russell asked Mayor Battle for an explanation of the above resolution, to give the public the knowledge they might need concerning this matter.

Mayor Battle stated that they were going into the final phases of the ATRIP funding, \$50 million worth of ATRIP funding. He stated that the City, the County, and the City of Madison had to come together for an agreement on how to spend this \$50 million. He stated that persons would recall that there was \$450 million worth of road projects that had been cut off that they had had in the City of Huntsville. He stated that the \$50 million was mainly for bridge repair and repairing roads in the system. He stated that this was called "ATRIP," the Alabama Transportation Repair and Improvement Program.

Mayor Battle stated that the resolution set out that the City's top three priorities were overpasses on Memorial Parkway at Lily Flagg Road and Byrd Spring Road, Interstate 565 extended through Moores Mill Road and Shields Road, and an overpass at Memorial Parkway at Mastin Lake Road. He stated that this was very consistent with a letter they had given to the Governor and the ALDOT Director in a meeting on June 4. He stated that they just wanted to make sure that the Governor and the ALDOT Director understood that this was a full City of Huntsville Council and Mayor priority, so they were asking that the Council pass this resolution at this time.

Mayor Battle stated that there would be a meeting with the

ALDOT Director on the following Tuesday at 1:30, at the Guntersville office, and that was the reason for the hurried passage of this, so that it could be presented to the ALDOT Director at that time.

President Russell called for the vote on the above resolution, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Communications from Council members.

Councilman Culver stated, concerning the ATRIP funding, that apparently there was some miscommunication related to this. He stated that he wanted the residents on Zierdt Road and the surrounding area to know that the Martin Road and Zierdt Road projects were not being put off with the ATRIP funding. He stated that they had hoped to expedite these two projects with ATRIP funding but since this was not going to happen, the projects would remain on the same timetable. He continued that they were in the Capital Improvement Plan. He stated that he wanted persons to know that they were not moving money from either of those projects to the South Parkway and overpasses, that the original money that had been earmarked for the Martin Road and Zierdt Road projects was still in place. He continued that he believed the projects would take place in 2014-2015.

Councilman Culver stated that he would like to yield a portion of his time to Avery Pennywell, stating that Avery

would introduce himself and tell the audience something about himself. He stated that Avery had been in the Mayor's office during the week and also with Mr. Kenny Anderson in the Multicultural Affairs Office and was at this time the Council's guest.

Avery Pennywell greeted the audience and stated his name and the fact that he would be going into the 8th grade in the upcoming school year. He stated that he was a Texan and one might ask what he was doing in Huntsville and stated that he was visiting his awesome dad, Rodney Pennywell, and his wonderful siblings. He stated that he was having a great experience visiting the beautiful city of Huntsville, noting that he had done a one-day internship with Mr. Kenny Anderson and also with Judge Sybil Cleveland. He stated that he had had a wonderful experience in the city and thanked everyone for this opportunity.

Councilman Culver stated that there would be a joint town hall meeting between the City of Huntsville and the City of Madison on Tuesday, September 10, at 6 p.m., at the Edgewater Community Clubhouse. He stated that the purpose of the meeting was to educate the community about what the plans were for that area. He stated that ALDOT representatives would be present, as well as representatives from the State legislative branch. He continued that, also, Mayor Battle and Mayor Trulock of Madison would be present. He stated that this was another step in their collaboration efforts with the surrounding communities

and municipalities. He urged persons to come and be a part of this meeting.

President Russell welcomed Avery Pennywell to the meeting, noting that his words were very well spoken.

Councilman Olshefski stated that he often worried about America but that he did not worry about American when he saw young men such as Avery.

Councilman Olshefski stated that there had been a Huntsville Housing Authority meeting in his district recently and that it was for Civic Association leadership. He stated that Mr. Lundy had been present, along with other representatives of the HHA, and citizens from the Chaffee area. He stated that he thought the briefing had been very well done, although everyone would not agree with what was happening with the HHA. He stated that there had been a lot of tough questions and they were working through some things.

Councilman Olshefski stated that he would be working with Mr. Voyles on the matter he had brought up concerning the curbs in his neighborhood. He stated that this was a real nice neighborhood, but that throughout the neighborhood on 10 or 15 percent of the homes the comparative to the other homes was night and day. He stated that he was going to get more involved in this and help in the process. He stated that if they could just handle the matter about the grass over the curbs, they would feel like they had hit a home run, but there was also a lot more to be looked into. He continued that they

really needed to look into the matter of three or four cars in the front yards of some of these homes. He stated that they just had to do something about these matters.

Councilman Olshefski stated that the standard the Huntsville Housing Authority held its homes to was two to three times harder than what the general public was held to concerning their homes. He reiterated that he felt this was something they really needed to look into.

Councilman Olshefski stated that he did not feel he could compliment the City staff enough, noting that Shane Davis had spent two hours with him earlier in the day working on some issues with roads. He stated that he really appreciated this. He stated that there were many others in the City who had also been of great assistance to him.

President Russell recognized Mayor Battle.

Mayor Battle thanked Councilman Culver for bringing up the matter concerning Martin Road and Zierdt Road, stating that there had been some confusion over this. He stated that according to the Alabama Department of Transportation's July 2013 project status on the Zierdt Road project, utilities would be moved on 9/1/13 and construction would commence on 1/30/15. He stated that this would give everyone an idea of when this project would start. He stated that if this would be put in the newspaper, it would stop a lot of confusion on this.

President Russell stated that the next item on the agenda was Unfinished Business Items for Action.

President Russell moved for approval of Ordinance No. 13-561, amending Section 8.19 of Ordinance No. 04-315, Personnel Policies and Procedures Manual, which ordinance was introduced at the July 25, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-561)

Said motion was duly seconded by Councilman Olshefski.

President Russell called for the vote on the above ordinance, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was New Business Items for Introduction.

President Russell read and introduced Ordinance No. 13-588, annexing land lying on the east side of Williams & Broad Drive and north of Dug Hill Road.

President Russell read and introduced an ordinance declaring property as surplus, as follows:

(ORDINANCE NO. 13-589)

President Russell moved that unanimous consent be given for the immediate consideration of and action on said ordinance, which motion was duly seconded by Councilman Culver, and upon said motion being put to vote, the following vote resulted:

AYES: Culver, Olshefski, Russell

ABSENT: Kling, Showers

President Russell stated that the motion for unanimous

consent for immediate consideration of and action on said ordinance had been unanimously carried.

President Russell thereupon moved that said ordinance be finally adopted, which motion was duly seconded by Councilman Culver.

President Russell asked Ms. Marie Bostick, Manager of Planning Administration, for a brief explanation of the above ordinance and inquired as to why there needed to be a vote on it at this time.

Ms. Bostick stated that this was a .7 acre tract of land, located at the corner of Treymore Avenue and Mastin Lake Road, just north of the intersection with U.S. 72 East. She stated that the property had been acquired when the Mastin Lake Road project had been done several years prior and that it was a remnant tract after the project was completed and that it had been vacant since that time. She continued that it was located adjacent to the Solid Rock Church. She stated that they had been working with the church for some time and that they were now at the point that they would like to transfer this property to the church, noting that the church had been maintaining the property since the time the City had purchased it. She stated that they hoped to get unanimous consent on this so that the Council could then take action on the contract which was on the agenda for this meeting.

President Russell asked Mr. Joffrion if at this time the Council was just being asked to declare the property surplus.

Mr. Joffrion replied in the affirmative.

President Russell called for the vote on the above ordinance, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was New Business Items for Consideration or Action.

President Russell stated that items 15.s and 15.t had been deleted from the agenda.

President Russell read and introduced an ordinance declaring certain IT equipment as obsolete and allowing it to be salvaged and sold by MARS, LLC, as follows:

(ORDINANCE NO. 13-590)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing an Agreement between the City of Huntsville and the National Fire Protection Association for an On-Line Multi User Subscription to the National Fire Codes, as follows:

(RESOLUTION NO. 13-591)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by The Hartford Fire Insurance Company, as

follows:

(RESOLUTION NO. 13-592)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell moved for approval of a request for authorization to advertise and fill one (1) budgeted position of Equipment Technician II at a rate higher than minimum salary if necessary, which motion was duly seconded by Councilman Culver, and was unanimously approved by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder as specified in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 13-593)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 12-768, by changing appropriated funding within various departments and funds, as follows:

(RESOLUTION NO. 13-594)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Alabama Department of Transportation for the Installation and/or Maintenance of Traffic Control Signals at the Intersections of AL-53/US-231 at Boulevard South and Charlotte Drive SW, as follows:

(RESOLUTION NO. 13-595)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Uretex USA, Inc., for Redstone Gateway Box Culvert Weep Hole Plugging and Sealing, Project No. 65-13-SP06, by Change Order No. 1, as follows:

(RESOLUTION NO. 13-596)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with SJ&L General Contractor, L.L.C., for Jeff Road Widening and Improvements, Project No. 65-11-RD04, by Change Order No. 2, as follows:

(RESOLUTION NO. 13-597)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver

and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to modify the agreement with 4Site, Incorporated, for Engineering Design Services for Downtown Gateway, Project No. 65-11-RD03, by Modification No. 2, as follows:

(RESOLUTION NO. 13-598)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Christopher Professional Enterprises, Inc., for Redstone Gateway, Package 1B-3, Primary Communication and Primary Electrical Package, Project No. 65-11-SP05, by Change Order No. 3, as follows:

(RESOLUTION NO. 13-599)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, SAK Construction, L.L.C., for Sanitary Sewer Rehabilitation Cured-in-Place Pipe (CIPP) Installation-2013 (Base Bid Only), Project No. 65-13-SP32, as follows:

(RESOLUTION NO. 13-600)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Engineering Services for 2013 Flow Monitoring Program-Annual Operations, Maintenance, Data Analysis and Reporting, Project No. 65-13-SP41, as follows:

(RESOLUTION NO. 13-601)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Engineering Construction Administration Services for 2013 Water Pollution Control Sanitary Sewer Rehabilitation, Project No. 65-13-SP42, as follows:

(RESOLUTION NO. 13-602)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 18 to the Supplemental Development Agreement, TIF5 Series 2010-B, to the Annexation and Development Agreement between the City of Huntsville and LW Redstone Company, LLC, for Redstone Gateway,

as follows:

(RESOLUTION NO. 13-603)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 400511900 for Watercress Phase 3 Subdivision, as follows:

(RESOLUTION NO. 13-604)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Bryant Bank Letter of Credit No. 1121 for Iredell Subdivision, as follows:

(RESOLUTION NO. 13-605)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke CB&S Letter of Credit No. 555544 for Ansley Farms Phase 1 Subdivision, as follows:

(RESOLUTION NO. 13-606)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver

and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BB&T Letter of Credit No. 9641559137 00003 for Pulaski Corner Subdivision, as follows:

(RESOLUTION NO. 13-607)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Letter of Credit No. 362000505931-R for Carriage Station Phase 1 Subdivision, as follows:

(RESOLUTION NO. 13-608)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke BB&T Letter of Credit No. 9631363803 00003 for Heathland Park Subdivision, as follows:

(RESOLUTION NO. 13-609)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution

authorizing the Clerk-Treasurer to invoke ServisFirst Bank Letter of Credit No. 13780 for Hawks Ridge Subdivision, as follows:

(RESOLUTION NO. 13-610)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke CB&S Letter of Credit No. 555546 for Ansley Farms Phase 1 Subdivision, as follows:

(RESOLUTION NO. 13-611)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 400512200 for Watercress Phase 3 Subdivision, as follows:

(RESOLUTION NO. 13-612)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke ServisFirst Bank Letter of Credit No. 13779 for Hawks Ridge Subdivision, as follows:

(RESOLUTION NO. 13-613)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor, on behalf of the City of Huntsville, to enter into a Real Estate Contract with Solid Rock Church, Inc., as follows:

(RESOLUTION NO. 13-614)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to accept a Hazard Mitigation Grant No. 1971-546 from Alabama Emergency Management Agency, as follows:

(RESOLUTION NO. 13-615)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the Madison County Commission for the transfer of grant funds, as follows:

(RESOLUTION NO. 13-616)

President Russell moved for approval of the foregoing

resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

Councilman Culver read and introduced a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Huntsville and The Board of Trustees of The University of Alabama for project cost sharing, as follows:

(RESOLUTION NO. 13-617)

Councilman Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Olshefski.

President Russell asked Mr. Richard Kramer, Director of Traffic Engineering, for an explanation of the above resolution.

Mr. Kramer stated that this was for a pedestrian signal to be installed at the University of Alabama in Huntsville. He stated that the University had hired a consulting engineer for the design and that the University would pay for all the materials and the City would furnish the labor and installation and would maintain it.

President Russell asked if the site location would be on Holmes Avenue.

Mr. Kramer replied in the affirmative, stating that it would be between Ben Graves Drive and Sparkman Drive.

President Russell stated that he had been on the UAH campus the prior weekend and that there had been a lot of

discussion about the youth leaving Spraggins Hall and walking across Holmes Avenue to the new dorms. He stated that there was a light there but it did appear that something better could be done about this situation. He stated that he had not been aware that the City was responsible for this and inquired as to whether this was the City's light at Holmes Avenue and Ben Graves Drive.

Mr. Kramer stated that the existing traffic signal was the City's. He stated that it was difficult to have students, or any pedestrians, walk a half a block to cross the street when there were so many of them. He stated that the mid-block crossing was warranted and that the City was going to install it.

President Russell asked if there were any plans to put crosswalks in this area, noting that it appeared that would be a good idea.

Mr. Kramer replied in the affirmative, stating that there would be painted crosswalks and signals.

President Russell called for the vote on the above resolution, and it was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to modify the agreement with Fuqua & Partners Architects, P.C., for Engineering Design Services for Church Street Bridge Renderings, Project No. 65-13-BR04, by Modification No. 1, as follows:

(RESOLUTION NO. 13-618)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver.

President Russell stated to Ms. Kathy Martin, Director of Engineering, that he had a question concerning this resolution, noting that he realized it was a very small amount, approximately \$1,000. He asked if the Council would receive a picture of what the bridge might look like.

Ms. Martin replied in the affirmative, stating that it would be renderings, in color, and from different viewpoints and angles, from both sides of the road, as well as underneath the road, to make sure they would not be creating any visual barriers across the park.

President Russell asked if this would be shared with the public, noting that he believed the public should be able to have input on this. He asked if Ms. Martin would furnish this to the media and if it would be on display at the Municipal Building.

Ms. Martin stated that they would have a meeting to discuss the options that were available.

President Russell stated that when this was finished, they would like to see it at the Council level. He stated that they did want to make sure that the public was able to get a good look at this before they went too far into it.

President Russell called for the vote on the above

resolution, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Legal Department Items/Transactions.

President Russell read and introduced an ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lot 14, Block 12, Briarwood Estates 6th Addition, Plat Book 5, Page 31 (2802 Bentley St.: Hamner), as follows:

(ORDINANCE NO. 13-619)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Non-Roster Communications from the Public. He stated that if there was anyone in the audience who would like to address the Council at this time, they would have three minutes to do so.

Mr. Reginald Hill again appeared before the Council, stating that he would like to complete the remarks he had started earlier in the meeting.

Mr. Hill stated that through the completion of an essay contest, Success 4 the Future, a Charity Foundation 4 Kids Ages 3-18, a non-profit entity, would sponsor four students and three adults to attend the week's festivities for the 50th anniversary of the March on Washington. He stated that the event would be organized in multiple forums and educational

workshops and that the participants would visit many monuments and historical institutions and would attend a U.S. Senate session on Capitol Hill. He stated that students would be charged to read and research the facts about the March on Washington, heralded for the "I have a Dream" speech.

Mr. Hill stated that the students would be charged to act as analysts and reporters while in D.C., utilizing their people skills and laptops provided by Huntsville City Schools. He continued that upon arriving back in Alabama, the students would be charged collectively, with the assistance of their instructors, to organize a forum and series of workshops to better the quality of life for young people in the realms of Education, Service, Equality, and Economic Contribution. He stated that the essay contest was open for all males grades 8-12.

Mr. Hill stated that it was his hope that the City Council and the Mayor would donate to this \$7,000 venture, as well as lead them to, and vocalize as a liaison to, those individuals or corporate entities that could completely fund this project.

Mr. Hill stated that persons who wished to contribute or participate in this could contact him personally via e-mail at rjhii86@gmail.com or by phone at 251-404-2307. He stated that he would also be available after the meeting if anyone would like to discuss this matter with him.

Mr. Hill stated that change began with the people, one step at a time, and this was the step and that time was in the

court of the citizens of Huntsville. He stated that God had indeed already blessed each person and it was now time for persons to work to use their positions and abilities to bless God.

Mr. Ralph Timberlake again appeared before the Council, stating that he would like to clarify his previous remarks. He stated that the official name of the Huntsville Hospital was the Huntsville Healthcare Authority. He stated that he had asked the Council many, many times to ask them to make their committee meetings open to the public, noting that he did not know what they had to hide. He continued that an Executive Session would be more than sufficient to take care of any issues that they needed to keep private.

Mr. Timberlake stated that he was again asking the Council not to ask of some persons what was not in them, noting that the persons who were incumbent on this Board had not sought to be open and transparent but rather to be opaque, and that they should not ask these persons to do something that did not appear to be within their ability or desires.

Mr. Timberlake stated that he was aware that knowledge was the key, noting that the City was spending all this money on education but yet they wanted to keep things such as this hidden. He stated that if they wanted these things to stay hidden, they might as well let the citizens stay dumb and not let them read. He stated that, however, if the Council wanted citizens to utilize this information and they were spending all

this money on education, they needed to help the citizens so that they could be an integral part of what was going on in the city. He stated that ignorance was the worst thing in the world, that there was nothing wrong with being ignorant but it was a shame and disgrace to remain so.

President Russell asked if there was anyone else in the audience who would like to address the Council at this time.

There was no response.

Upon motion, duly seconded, it was voted to adjourn.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER